HELENA INDEPENDENT—Supplement

CONSTITUTION

STATE OF MONTANA,

As Adopted by the Constitutional Convention, Held at Helena July 4th, A.D. 1889, and Ending Aug. 17th A. D. 1889, And Also an Address to the People.

PREAMBLE.

We, the people of Montana, grateful to Almighty God for the blessings of liberty, in order to secure the advantages of a State government, do, in accordance with the provisions of the enabling act of Con-February, A. D. 1889, ordain and establish

Section 1. The boundaries of the section with the thirty-fourth degree of of the proceeding shall be paid by the longitude west from Washington, thence due south along the thirty-fourth degree of longitude, to a point formed by its intertwenty-seventh degree of longitude west from Washington; thence southward along the twenty-seventh degree of longitude to the place of beginning.

ARTICLE II.

Security for the purpose of securing his testimony in any criminal proceeding longer than may be necessary in order to take his deposition. If he can give security for his appaarance at the time of trial he shall

ARTICLE II. Section 1. Authority is hereby granted to and acknowledged in, the United States to exercise exclusive legislation as provided by the Constitution of the United States, over the military reservations of Keogh, Fort Maginnis, Fort Missoula and Fort Shaw, as now established by law, so long as said places remain military reser vations, to the same extent and with the same effect as if said reservations had been purchased by the United States by consent of the Legislative Assembly of the State of Montana; and the Legislative Assembly is authorized and directed to enact any law necessary or proper to give effect to this article. Pro-tided, That there be and is hereby reserved to the State the right to serve all legal process of the State both civil and criminal npon persons and property found within any of said reservations in all cases where the United States has not exclusive

A DECLARATION OF RIGHTS OF THE PEOPLE OF THE STATE OF MONTANA. SECTION 1. All political power is vested in and derived from the people; all government of right originates with the people; is founded upon their will only and is instituted solely for the good of the

SEC 2. The people of the St te have the sole and exclusive right of governing themselves, as a free, sovereign and ind pendent State, and to alter and abolis their constitution and form of governme whenever they may deem it necessary to their safety and happiness, provided such change be not repugnant to the Constit tion of the United States.

All persons are born equal! free, and have certain natural, essentia and inalienable rights, among which may be reckoned the right of enjoying and de fending their lives and liberties, of acqui and happiness in all lawful ways.

Sec. 4. The free exercise and enjoy ment of religious profession and wor without discrimination, shall forever her after be guaranteed, and no person shal be denied any civil or political right or privilege on account of his opinions con cerning religion, but the liberty of consci ence hereby secured shall not be construe to dispense with oaths or affirmations, excuse acts of licentiousness, by bigamou or poligamous marriage, or otherwise, o justify practices inconsistent with the good opposed to the civil authority thereof, or of the United States. No person shall be required to attend any place of worship o support any ministry, religious sect or de-nomination, against his consent; nor shall any preference be given by law to any

SEC. 5. All elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. SEC. 6. Courts of justice shall be open person, and a speedy remedy afforded for every injury of person, pro erty or character and that right and justice shall be administered without sale

SEC. 7. The people shall be secure i their persons, papers, homes and effects from unreasonable searches and seizure and no warrant to search any place of without describing the place to be searched or the person or thing to be seized, not without probable cause, supported by oath

or affirmation, reduced to writing. SEC. 8. Criminal offenses, of which justice's courts and municipal and other courts, inferior to the district courts, inferior to the district court be prosecuted by complaint. All criminal actions in the district court, except those on appeal, shall be prosecuted by information, after exami nation and commitment by a magistrate, or after leave granted by the court, shall be prosecuted by indictment withou without such leave of the court. A grand jury shall consist of seven persons, o whom five must concur to find an indict

A grand jury shall only be drawn and summoned when the District Judge shall in his discretion consider it necessary, and shall so order.

SEC. 9. Treason against the State shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort; no person shall be convicted of treason except on the testimon of two witnesses to the same overt act, o upon his confession in open court; no person shall be attainted of treason or felony by the Legislative Assembly; no conviction shall work corruption of blood or forfeiture of estate; the estates of per who may destroy their own lives

on shall be free to speak, write or puband that in all suits and prosecutions for his election) have resided within the cou

s estate for the benefit of his creditors, ption of fraud.

Sec. 13 The right of any person to keep or bear arms in defense of his own home, person and property, or in aid of the civil power when thereto legally summoned shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapon SEC. 14. Private property shall not be taken or damaged for public use without o or paid into court for the owner.

SEC. 15. The use of all water now appropriated, or that may hereafter be priated for sale, rental, distribution or other beneficial use, and the right of way over the lands of others for all ditches, drains, flumes, canals, and acqueducts necessarily used in connection therewith for collecting and storing the same, sha State of Montana shall be as follows, to. be held to be a public use. Private roads wit: Beginning at a point formed by the intersection of the twenty-seventh degree of longitude west from Washington with the forty-fifth degree of north latitude, thence due west on the forty-fifth degree of latitude to a point formed by its inter-

section with the crest of the Rocky and defend in person and by counsel; to demand the nature and cause of the accuthe Rocky Mountains northward to its intersection with the Bitter Root Mountains; thence northward along the crest of the Bitter Root Mountains; thence northward along the crest of the Bitter Root Mountains; thence northward along the crest of the attendance of witnesses in his behalf, tains; thence northward along the crest of the Bitter Root Mountains, to its intersection with the thirty-ninth degree of longitude west from Washington; thence along the thirty-ninth degree of longitude northward to the boundary line of the British Possessions; thence eastward along that boundary line to the same of the British Possessions; thence eastward along that boundary line to the same of th SEC. 17. No person shall be imprisoned

be discharged upon giving the same; if he cannot give security his deposition shall be taken in the manner prescribed by law and in the presence of the accused and his shall fail to attend the examination afte reasonable notice of the time and place this section may be received as evidence on the trial, if the witness shall be dead or

put in jeopardy for the same offense. Sec. 19. All persons shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

. 20. Excessive bail shall not be required, or excessive fines imposed, or cruel and unusual punishments inflicted. habeas corpus shall never be suspended, unless, in case of rebellion, or invasion,

the public safety require it. Sec. 22. The military shall always be no soldier shall, in time of peace, be members in such manner and under such any extra compensation to any public cept in the manner prescribed by law.

SEC. 23. The right of trial by jury shall

all civil cases and in all criminal cases not amounting to felony, upon default of uppearance or by consent of the parties xpressed in such manner as the law may prescribe, a trial by jury may be waived, or a trial had by any less number of jurors han the number provided by law ury in a justice's court, both in civil cases and in cases of criminal misdemanor sha ensist of not more than six persons. In ll civil actions and in all criminal cases not amounting to felony, two-thirds in umber of the jury may render a verdict, and such verdict so rendered shall have

of reformation and prevention, but this shall not affect the power of the Legislaive Assembly to provide for punishing of

enses by death. SEC. 25. Aliens and denizens sha ave the same right as citizens to acquire and milling, reduction, concentrating and other works, and real property necessary for or connected with the business of mining and treating ores and minerals Provided, That nothing herein contained shall be construed to infringe upon the authority of the United States to provide for the sale or disposition of its minera

SEC. 26. The people shall have the right peaceably to assemble for the com non good, and to apply to those invested with the powers of government for re-dress of grievances by petition or remon-

SEC. 27. No person shall be deprive of life, liberty or property without du rocess of law. SEC. 28. There shall never be in this State either slavery or involuntary servi-tude, except as a punishment for crime, whereof the party shall have been duly

SEC. 29. The provisions of this Constiution are mandatory and prohibitory, un ss by express words they are declared to

itution of certain rights, shall not be con trued to deny, impair, or disparage other etained by the people. SEC. 31. No armed person or person or armed body of men shall be brought in o this State for the preservation of the beace or the suppression of domestic violence, except upon the application of the Legislative Assembly or of the Governor when the Legislative Assembly cannot be

DISTRIBUTION OF POWERS.

The powers of the government of this tate are divided into three distinct deartments: The legislative, executive and udicial, and no person or collection of persons charged with the exercise of owers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this Constitution expressly

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power shall be vested in a senate and house of repre-mentatives, which shall be designated "The

the term of four years, and representatives wise provided in this constitution SEC. 3. No person shall be a repre-sentative who shall not have attained the age of twenty-one years, or a senator who shall not have attained the age of twentylish whatever he will on any subject, be- of the United States, and who shall not embraced in any act which shall not be ing responsible for all abuse of that liberty; (for at least twelve months next preceding expressed in the title, such act shall be libel, the truth thereof may be given in ty or district in which he shall be elected. not be so expressed.

revidence, and the jury, under the direction of the Court, shall determine the court, shall begin when the shall begin when the shall be so expressed.

SEC. 4. No bill shall become a law, shall consist of sixteen members of law, shall consist of sixteen members of the Sec. 4. No bill shall become a law, shall be co-extensive with state shall be co-extensive of the state shall be co-extensive with state shall be co-extensive of the state shall be co-extensive of the state shall be co-extensive with state shall be co-extensive of the state shall be co-extensive with state shall be co-extensive of the state shall be co-ext

be passed by the Legislative Assembly.

Sec. 12. No person shall be imprisoned for debt except in the manner presenatorial and representative districts, but there shall be no more than one Senator tended by reference to its title only, but nator shall he provided for by law, his class shall be determined by lot.

One-half of the Senators elected to the first Legislative Assembly ahall hold ofnmediately after the organization of the practice in courts of justice;

Legislative Assembly, as a compensation compensation, perquisite, or allowance whatsoever. No session of the Legisla-

fix its own compensation.

Sec. 6. The Legislative Assembly, (exgovernment upon the proclamation of the Sovernor after the admission of the State into the Union, upon a day to be named in said proclamation, and which shall not be more than fifteen nor less than ten days

SEC. 7. No Senator or Representative hall, during the term for which he shall have been elected, be appointed to any civil office under the State; and no memper of Congress, or other person holding luring his continuance in office.

been from the State.

SEC. 18. No person shall be compelled to testify against himself, in a criminal have been elected, receive any increase of salary or mileage under any law passed

ginning and close of each regular session, and at such other times as may be necespro tempore. The house of Representa-tives shall elect one of its members Speak-SEC. 21. The privilege of the writ of cers, and shall judge of the elections, reurns, and qualifications of its members. in strict subordination to the civil power; day, and compel the attendance of absent o determine the rules of its proceedings, and punish its members or other person

e secured to all, and remain inviolate, but for contempt or disorderly behavior in its iolence or offers of bribes or private solicitation, and with the concurrence of twohirds, to expel a member, and shall have all other powers necessary for the Legisla-tive Assembly of a free state. A member pelled for corruption shall not thereafter be eligible to either house of

> or contempt or disorderly behavior shall not bar a criminal prosecution for the same SEC. 12. Each house shall keep a jour nal of its proceedings and may, in its dis-cretion, from time to time, publish the same, except such parts as require secrecy, and the ayes and noes on any question,

be entered on the journal.

SEC. 13. The sessions of each hour nd of the committees of the whole shall e open unless the business is such as re-

SEC. 14. Neither house shall, without he consent of the other, adjourn for mor than that in which the two houses shall be

reason, felony, violation of their oath of office and breach of the peace, be privi-leged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

Sec. 16. The sole power of impeach nent shall vest in the House of Represen atives; the concurrence of a majority of ercise thereof. Impeachment shall be and the Senators shall be upon oath or af-Lieutenant Governor is on trial, the Chief ustice of the Supreme Court shall preside. No person shall be convicted without a concurrence of two-thirds of the Senators

and judicial officers, except Justices of the Peace, shall be liable to impeachment for high crimes and misdemeanors, or malfeasance in office, but judgment in such cases shall only extend to removal from office honor, trust or profit under the laws of the state. The party whether convicted or acquitted shall, nevertheless, be liable to prosecution, trial, judgment and punish-

SEC 18. All officers not liable to im peachment shall be subject to removal n such manner as may be provided by

SEC. 19. No law shall be passed except by bill, and no bill shall be so al ered or amended on its passage through SEC. 20. The enacting clause of every by the Legislative Assembly of the State

Sec. 21. No bill for the appropriation of money, except for the expenses of the government, shall be introduced within en days of the close of the session, except by unanimous consent of the house

on become a law unless referred to a printed for the use of the members.

SEC. 23. No bill, except general appropriation bills, and bills for the codification and general revision of the laws shall be passed containing more than one subject which shall be clearly expressed in its title; but if any subject shall be

ribed by law, upon refusal to deliver up divided into two classes. Those elected or extended, shall be re-enacted and pub sestate for the benefit of his creditors, from odd numbered districts shall consti-SEC. 26. The Legislative Assembly numbered districts shall constitute the shall not pass local or special laws in any of the class; and when any additional of the following enumerated cases, that is to say: For granting divorces; laying out, opening, altering or working roads or highways; vacating roads, town plats, streets, alleys or public grounds; locatfice for one year, and the other half for ing or changing county seats; regulating three years; and it shall be determined by county or township affairs; regulating the Senate, whether the Senators from the odd or even numbered districts shall hold of the peace; police magistrates or constables; changing the rules of evidence SEC. 5. Each member of the first in any trial or inquiry; providing for for his services, shall receive six dollars cases; declaring any person of age; for each day's attendance, and twenty cents (limitation of civil actions; or giving efment to his residence by the usually raveled route, and shall receive no other ompensation, perquisite or the property of the fect to informal or invalid deeds; sum ducting of any election or designating tive Assembly, after the first, which may be ninety days, shall exceed sixty days. After the first session, the compensation or others under disability; chartering of the members of the Legislative Assembly shall be as provided by law; Protided, That no Legislative Assembly shall ies; remitting fines, penalties or forfeit cept the first) shall meet at the seat of fees, percentages or allowances of publi Monday of Ive o'clock, noon, on officers; changing the law of descent the first Monday of January, next succeeding the general election provided by law, or individual the right to lay down rail and at twelve o'clock, noon, on the first Monday of January, of each alternate year thereafter, and at other times when convened by the Governor. The changing the names of persons or places; for the assessment or collection of taxes shall begin the next day after their elec. affecting the estates of deceased persons extending the time for the collection of taxes; refunding money paid into the state treasury; relinquishing or extin-guishing, in whole or in part, the indebtedness, liability or obligation of any cor

nunicipal corporation therein; exempt offices or prescribing the powers or du ties of officers in counties, cities, town an office (except notary public, or in the militia) under the United States or this In all other cases where a general law State, shall be a member of either house during his continuance in office.

SEC. 27. The presiding officer of each nouse shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislative Assembly immediately after their titles have been publicly read, and the fact of signing shall be at once entered upon the journal.

Sec. 28. The Legislative Assembly

and compensation of the officers and emploves of each house; and no payment shall be made from the State treasury or be in any way authorized to any such per-SEC. 10. A majority of each house shall son, except to an acting officer or emconstitute a quorum to do business, but a smaller number may adjourn from day to son, except to an acting officer of employe elected or appointed in pursuance of law.

Sec. 29. No bill shall be passed giving Sec. 2. The Legislative Assembly shall provide by law for an enumeration of the inhabitants of the State in the year cer mentioned in this section sect

endered or contract made, nor providing for the payment of any claim made against the State, without previous uthority of law, except as may be other wise provided herein. All stationery,

Sec. 30. All stationery, printing, paper, fuel and lights, used in the Legislative and other departments of government, shall be furnished, and the printing and binding and distribution of the laws, journals and department reports, and other printing and binding, and the repairing and furnishing the halls and he Legislative Assembly; and punishment rooms used for the meeting of the Legislative Assembly and its committees, Sec. 4. Whenever new counties are given to the lowest responsible bidder below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such con-tract; and all such contracts shall be subject to the approval of the Governor and

the term of any public officer, or increase or diminish his salary or emolument alaries or emoluments are not fixed by

shall originate in the House of Represen-tatives; but the Senate may propose Sec. 33. The general appropriation bills shall embrace nothing but appropri tions for the ordinary expenses of the Legislative, Executive and Judicial de all the members being necessary to the ex- partments of the State, interest on the public debt and for public schools. All other appropriations shall be made by seperate bills, each embracing but one SEC. 34. No money shall be paid out

> ions made by law, and on warrant drawn thereof, except interest on the public SEC. 35. No appropriation shall be made for charitable, industrial, education al or benevolent purposes to any person,

> Sec. 36. The Legislative Assembly shall not delegate to any special commi sion, private corporation or association any power to make, supervise or inter noney, property or effects, whether held in trust or otherwise, or to levy taxes, or to perform any municipal functions

> SEC. 37. No act of the Legislative As sembly shall authorize the investment of trust funds by executors, administrators, stock of any private corporation.

Sec. 38. The Legislative Assembly shall have no power to pass any law au-thorizing the State, or any county in the State, to contract any debt or obligation in the construction of any railroad, nor give nor loan its credit to or in aid of the

Sec. 39. No obligation or liability of any person' association or corporation held or owned by the State, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, re leased or postponed, or in any way di minish by the Legislative assembly; nor shall such liability or obligation be extinguished, except by the payment thereof into the proper treasury.

SEC. 40. Every order, resolution of Houses may be necessary, except on the

SEC. 25. No law shall be revised or offer or promise to give his vote or influence in favor of or against any measure of roposition, pending or proposed to be stroduced into the legislative assembly in consideration or upon condition that any other person elected to the same mise or assent to give, his vote or in uence in favor of or against any other measure or proposition pending or pro posed to be introduced into such legisla tive assembly, the person making suc of solicitation of bribery. If any men ber of the legislative assembly shall giv his vote or influence for or against any measure or proposition pending or pro-posed to be introduced in such legisla ive assembly, or offer, promise or assen so to upon condition that any other member will give, or will promise of assent to give, his vote or influence in favor of or against any other measure of roposition pending or proposed to b or in consideration that any other membe shall be deemed guilty of bribery, and any member of the legislative assembly guilty of either such offenses shall b ible to the legislative assembly, and or he conviction thereof in the civil courts

> may be prescribed by law. Sec. 42. Any person who shall directly ney or thing of value, testimonia privilege or personal advantage, to any of the legislative assembly, to influence him in the performance of any of hi official or public duties, shall be deemed guilty of bribery, and be punished in such manner as shall be provided by

SEC. 43. The offense of corrupt solid ssembly, or of public officers of the state, or of any municipal division there of, and the occupation or practice of so licitation of such members or officers to nfluence their official action shall be de fined by law, and shall be punishable by

Sec. 44. A member who has a persona or private interest in any measure or bill proposed or pending before the legisla-ive assembly shall disclose the fact to he house of which he is a member, and

SEC. 45. When vacancies occur in either house the governor or the person exercising the functions of the governor hall issue writs of election to fill the

APPORTIONMENT AND REPRESENTATION. Section 1. One representative in the Congress of the United States shall be elected from the State at large, the first Tuesday in October in 1889, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress the Legislative Assembly shall divide the State into Congressional districts accordingly.

1895 and every tenth year thereafter; officer, servant or employe, agent or con- and at the session next following such officers following an enumerthe United States, shall revise and adjust the apportionment for representaaccording to ratios to be fixed by law.

Representative districts may be altered from time to time as public convenience may require. When a reptwo or more counties, they shall be con-tiguous, and the districts as compact as may be. No county shall be divided in SEC. 4. Whenever new counties are created, each of said counties shall be entitled to one Senator, but in no case shall a Senatorial district consist of more

Sec. 5 The Senatorial districts of the State shall be constituted and numbered as follows: The county of Beaverhead shall constitute the first district, and be entitled to one Senator. The county of Madison shall constitute the second dis-SEC. 31. Except as otherwise provided trict, and be entitled to one Senator. The county of Gallatin shall constitute the third district, and be entitled to one Sen-ator. The county of Jefferson shall conor diminish his salary of chickens of after his election or appointment; Protided, That this shall not be construed to Deer Lodge shall constitute the fifth Deer Lodge shall constitute district, and be entitled to one Senator. officers first elected or appointed The county of Missoula shall constitute the sixth district, and be entitled to one Senator. The county of Lewis and Clarke shall constitute the seventh dis-The county of Choteau shall constitute the eighth district, and be entitled to one enator. The county of Meagher shall onstitute the ninth district, and be entitled to one Senator. The county of Silver Bow shall constitute the tenth district, and be entitled to one Senator. The county of Custer shall constitute the eleventh district, and be entitled to one Senator. The county of Yellowand be entitled to one Senator. The county of Dawson shall constitute the thirteenth district, and be entitled to one Senator. The county of Fergus shall onstitute the fourteenth district, and be entitled to one Senator. The county of Park shall constitute the fifteenth district, and be entitled to one Senator. county of Cascade shall constitute

the sixteenth district, and be entitled to resentatives be made in accordance with be divided among the several counties of the State in the following manner: The county of Beaverhead shall have two (2). The county of Madison shall have two (2) The county of Gallatin shall have two (2). The county of Jefferson shall have three (3). The county of Deer Lodge shall have seven (7). The county of Missoula shall have five (5). The county of Lewis and Clarke shall have eight (8). The county of Choteau shall have two (2). The county of Mea-gher shall have two (2). The county of Silver Bow shall have ten (10). The county of Custer shall have two (2). The county of Yellowstone shall have one (1). The county of Fergus shall have two (2). The county of Park shall have two (2). The county of Cascade shall have two (2). The counties of Dawson and Cascade shall have one (1) The counties of Deer Lodge and Beaverhead shall have one (1) jointly. The counties of Jefferson and Gallatin shall have one (1) jointly.

ARTICLE VII. SECTION I. The executive depart nent shall consist of a governor, lieu tenant-governor, secretary of state, attorney-general, state treasurer, state auditor and superintendent of public in-struction, each of whom shall hold his vote, in which the concurrence of both office for four years, or until his successor Houses may be necessary, except on the question of adjournment, or relating the first Monday of January next suc-

c records, books and papers. They shall perform such duties as are pre-scribed in this constitution and by the laws of the state. The state treasurer hall not be eligible to his office for the

cceeding term. SEC. 2. The officers provided for in ection 1 of this article shall be elected y the qualified electors of the state a ers of the legislative assembly, and the persons respectively having the highest number of votes for the office voted for hall be elected; but if two or more shall have an equal and the highest numbe wo houses of the legislative assembly at its next regular session, shall forth-with by joint ballot elect one of such rsons for said office. The returns of I shall be made in such manner as may be prescribed by law, and all contested vided for in this section, shall be deter nined as may be prescribed by law. SEC. 3. No person shall be eligible the office of governor, lieutenant-go ernor or superintendent of public i he age of thirty years at the time of h election, nor to the office of secretary of ttorney-general unless he shall have

been admitted to practice in the suprem court of the state or territory of Montana, and be in good standing at the time of his election. In addition to the qual ifications above prescribed, each of the officers named shall be a citizen of the United States and have resided within the state or territory two years next pre eding his election. SEC. 4. Until otherwise provided by State auditor, Treasurer, Attorney-gener

al and Superintendent of Public Instruc ntinuance in office, receive for their ser vices compensation, which is fixed as follows: Governor, five thousand dol lars per annum; Secretary of State three thousand dollars per annum Attorney-General, three thousand dollars per annum; State Treasurer, three usand dollars per annum; State Audi perintendent of Public Instruction two thousand five hundred dollars pe nnum. The Lieutenant-Governor shall receive the same per diem as may b prescribed by law for the Speaker of th Legislative Assembly, to be allowed only during the sessiod of the Legislative Assembly. The compensations enumerated shall be in full for all services by said officers respectively ren dered in any official capacity or emplo ment whatever during their respective terms of office, and the salary of no offi cial shall be increased during his tern of office. No officer named in this sec

tion shall receive, for the performance of any official duty, any fee for his own use, but all fees fixed by law for the per formance by any officer of any official duty, shall be collected in advance and deposited with the State Treasurer quar cer mentioned in this section shall be eligible to, or hold any other public Sec. 5. The supreme executive power ernor, who shall see that the laws are

faithfully executed. SEC. 6. The governor shall be com-nander-in-chief of the militia forces of the state, except when these forces are in the actual service of the United States, and shall have power to call out any the execution of the laws, to suppress in surrection or to repel invasion

Sec. 7. The governor shall nominate and, by and with the consent of the sen ate, appoint all officers whose offices are established by this constitution, or which may be created by law, and whose ap provided for. If during a recess of the senate a vacancy occur in any such office the governor shall appoint some fit per-son to discharge the duties thereof until the next meeting of the senate, when he state auditor, state treasurer, attorney ignation or otherwise, it shall be the appointment, and the appointee shall hold his office until his successor shall

be elected and qualified. SEC. 8. The legislative assembly shall provide for a state examiner, who shall be appointed by the governor and con-firmed by the senate. His duty shall be rer, supereme court clerks, district court clerks and all county treasurers, tutions as may be prescribed by law, and the legislative assembly may prescribe. He shall report at least once a year and oftener if required to such officers as may be designated by the legislative as sembly. His compensation shall be fixed

power to grant pardons, absolute or con ditional, and to remit fines and forfeitures and to grant commutation of punishm and respites after conviction and judg ment for any offenses committed agains the criminal laws of this state; Provided however, that before granting pardons remitting fines and forfeitures or commuting punishments, the action of the approved by a board, or a majority thereof, composed of the secretary of state, attorney-general and state auditor, who shall be known as the board of par dons. The legislative assembly shall by law prescribe the sessions of said board and regulate the proceedings thereof. But no fine or forfeitures shall be remit. SEC. 20. The Governor ted and no commutation or pardor granted except upon the approval of a sonstitute a Board of State Prison Com papers used upon the hearing, in the of-fice of the Secretary of State. The Gov-ernor shall communicate to the Legis-lative Assembly, at each regular ses-sion, each case of remission of fine or forfeiture. report, stating the name of the convict the crime of which he was convicted the sentence and its date, and the date of remission, commutation, pardon or re prieve, with the reasons for granting the same and the objections, if any, of any member of the board made thereto. SEC. 10. The Governor may require

ceeding his election, except that the of the executive department upon any terms of office of those who are elected subject relating to their respective duties of the two Houses, shall be presented to the Governor, and before it shall take efthe Governor, and before it shall take efthe first election shall begin when the mation shall be given upon oath whenwhich shall be co-extensive with the this State, until otherwise provided by and shall end on the first Monday of law, shall consist of sixteen members of the Sec. 11. No expost facto law, nor law impairing the obligation of contracts, or making any irrevocable grant of special of the first Legisla- to severe the destination of the Court, shall determine the law and shall end on the first Monday of law, shall consist of sixteen members of the law, shall consi

rnment, where they shall keep the pub- expenses of their respective offices and the supreme court shall extend to all stitutions, and may, at any time he deem it necessary, appoint a committee to inves dition of any executive office or State in stitution. The governor shall at the begin ing of each session, and from time to tim message, give to the Legislative As sembly a statement with vouchers of th expenditures of all moneys belonging the State and paid out by him. He sha also at the beginning of each session pro sent estimates of the amount of mone required to be raised by taxation for a urposes of the State.
SEC. 11. He may on extraordinary or

> bly by proclamation, stating the purpos for which it is convened, but when so co on any subjects other than those spec-fied in the proclamation, or which ma be recommended by the Governor, but may provide for the expenses of the ses-sion and other matters incidental there are made returnable. Each of the jus-SEC. 12. Every bill pased by the Leg slative Assembly shall, before it beco he approve, he shall sign it, and ther upon it shall become a law, but if he d bjections, to the House in which it ori ated, which House shall enter the o tions at large upon its journals, as roceed to reconsider the bill. If the two-thirds of the members present agre House, by which it shall likewise be re

asidered, and if approved by two-this of the members present in that Hou it shall become a law notwithstandi ne objections of the Governor. In uch cases the vote of each House sha not be returned by the Governor with shall be a law, in like manner as if h embly shall by their adjournment pre vent its return in which case it shall no the Governor. No bill shall become a law after the final adjournment of the by the Governor within fifteen days at er such adjournment. In case the Gov rnor shall fail to approve of any bill after the final adjournment of the Legis lative Assembly it shall be filed, with hi

power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts approved shall become law, and the item or items disapprove shall be void, unless enacted in the man ner following: If the Legislative As sembly be in session he shall within five items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and in case of his absence, the associate and each item shall take the same course justice having the shortest term to serve as is prescribed for the passage of bills shall preside in his stead.

ver the executive veto. SEC. 14. In case of the failure to of felony or infamous crime of the gov ernor, or his death, removal from office nability to discharge the powers and duties of his office, the powers, duties and emoluments of the office, for the residue of the term, or until the disabil-

Lieutenant-Governor. SEC. 15. The Lieutenant-Governor shall vote only when the Senate is equally divided. In case of the absence Governor from any cause which applies to the Governor, or when he shall hold dent pro tempore of the Senate shall per form the duties of the Lieutenant-Gov ernor until the vacancy is filled or the

disability removed. SEC. 16. In case of the failure to qual ify in his office, death, resignation, ab sence from the State, impeachment, con disqualification from any cause, of both the Governor and the Lieutenant-Gov devolve upon the President pro tempore of the Senate until such disqualification Governor be removed, or the vacancy filled, and if the President pro tempore of the Senate, for any of the above name auses, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House.

SEC. 17. The first legislative assembly shall provide a seal for the State, which shall be kept by the Secretary of State and used by him officially, and known as the Great Scal of the State of Montana Sec. 18. All grants and commission shall be in the name and by the authority of the State of Montana, sealed with the Great Seal of the State, signed by the Governor, and sounter-signed by the

SEC. 19. An account shall be kept by ment, and of all public institutions of the State, of all moneys received by then severally from all sources, and for every service performed, and of all money governor concerning the same shall be annual report thereof shall be made t the Governor, under oath; they shall ernor, who shall transmit the same to

Sec. 20. The Governor, Secretary of State and Attorney General shall con ing in open session and until notice of supervision of all matters connected the time and place of such hearing, and of the relief sought, shall have been ed by law. They shall constitute a Board given by publication in some newspaper of Examiners, with power to examine a of general circulation in the county claims against the State, except salarie where the crime was committed, at least or compensation of officers fixed by law once a week for two weeks. The proceedings and decisions of the board shall be reduced to writing, and with their against the State except for sal reasons for their action in each case, and aries and compensation of officers the dissent of any member who may dis- fixed by law shall be passed upon by the agree, signed by them and filed, with all | Legislative Assembly without first hav forfeiture, reprieve, commutation or deem such action necessary for the propardon granted since the last previous tection of the moneys of the State. tection of the moneys of the State.

ARTICLE VIII. Section 1. The judicial power of the State shall be vested in the senate sitting Fourth district, Missoula county. Fifth as a court of impeachment, in a supreme court, district court, justices of the peace, and such other inferior courts as the large transfer of the peace, and such other inferior courts as the large transfer of the peace, and such other inferior courts as the large transfer of the peace, and such other inferior courts as the large transfer of the peace, and such other inferior courts as the large transfer of the peace, and such other inferior courts as the large transfer of the peace, and such other inferior courts as the large transfer of the peace, and such other inferior courts as the large transfer of the peace, and such other inferior courts as the large transfer of the peace, and such other inferior courts as the large transfer of the peace, and such other inferior courts as the large transfer of the peace, and such other inferior courts as the large transfer of the peace, and such other inferior courts as the large transfer of the peace, and the peace transfer of the peace, and the peace transfer of the peace tran and such other inferior courts as the legislative assembly may establish in any incorporated city or town.

Park and Meagher counties. Sevenus district, Yellowstone, Custer and Dawson counties.

SEC. 2. The supreme court, except as otherwise provided in this constitution, SEC. 14. The Legislative Assembly

ever, to such limitations and regulations as may be prescribed by law. Said court shall have power in its discretion to issue and to hear and determine writs of habeas corpus, mandamus, quo-wairanto, such other original and remedial writs as may be necessary or proper to the com-plete exercise of its appellate jurisdiction. When a jury is required in the supreme court to determine an issue of fact, said jury in such manner as may be provided by law. Each of the justices of the sureme court shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of, any person held in actual custody, and nav make such writs returnable before any district court of the State or any

sue and heer and determine writs of certiorari in proceedings for contempt in the district court, and such other writs as he may be authorized by law to issue. upreme court shall be held each year at he seat of government. sist of three justices, a majority of whom shall be necessary to form a quorum or ronounce a decision, but one or more of said justices may adjourn the court from day to day, or to a day certain, and power to increase the number of such

udge thereof; and such writs may be

court, or judge, before whom they

stices to not less nor more than five. SEC. 6. The justices of the supreme ourt shall be elected by the electors of he state at large, as hereinafter provided. SEC. 7. The term of office of the jusices of the supreme court, except as in hall be six years. SEC. 8. There shall be elected at the first general election provided for by this Constitution, one chief justice- and two associate justices of the supreme court. At said first election the chief justice shall be elected to hold his office until

the general election in the year one (1892), and one of the associate justices to hold his office until the general elecion in the year one thousand eight hundred ninety-four (1894), and the other as-sociate justice to hold his office until the thousand eight hundred ninety-six (1896) and each shall hold until his successor is elected and qualified. The terms of office of said justices, and which one shall be chief justice, shall at the first and all subsequent elections be designated by ballot. After said first elecjustice shall be elected at the general election every two years, commencing in the year one thousand eight hunered ninety-two (1892), and if the Legislative Assembly shall increase the number of such additional justices shall be fixed by

SEC. 9. There shall be a Clerk of the Supreme Court, who shall hold his office for the term of six years, except that the Clerk first elected shall hold his office only until the general election in the two (1892), and until his successor is elected and qualified. He shall be elected by the electors at large of the State, and his compensation shall be fixed by law, and his duties prescribed

by law and by the rules of the Supreme to the office of Justice of the Supreme Court unless he shall have been ad-Court of the Territory or State of Mon-tana, be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in said Territory or State at least two years next preced-

SEC. 11. The District Court shall have original jurisdiction in all cases at law and in equity, including all cases which real property, or the legality of any tax, impost, assessment, toll or municipal damage, claim or demand, exclusive of erty in controversy exceeds fifty dollars; and in all criminal cases cases of misdemeanor not otherwise pro-vided for; of actions of forcible entry insolvency; of actions to prevent or abate a nuisance; of all matters of pronullment of marriage, and for all such special actions and proceedings as are not otherwise provided for. And said courts shall have the power of naturalization, and to issue papers therefore, in all cases where they are authorized so to do by the laws of the United States. such cases arising in justices and other inferior courts in their respective districts as may be prescribed by law, and consistent with this constitution. Their process shall extend to all parts of the recovery of, the possession of, quieting the title to, or for the enforcement of liens upon real property shall be com-menced in the county in which the real property, or any part thereof, affected by courts and judges thereof shall have writs of mandamus, quo warranto, certi-orari, prohibition, injunction and other writs of habeas corpus on petition by, or on behalf of, any person held in actual unctions, writs of prohibition and habeas orpus may be issued and served on legal holidays and non-judicial days.

Sec. 12. The State shall be divided into judicial districts in each of which there shall be elected by the electors thereof one judge of the district court, whose term of office shall be four years

district court may hold court for any other district judge, and shall do so when SEC. 13. Until otherwise provided by law, the judicial districts of the State shall be constituted as follows: First district, Lewis and Clarke county. second district, Silver Bow county

except that the district judges, first elected shall hold their offic s only until

he general election in the year one

lected and qualified. Any judge of the

thousand eight hundred ninety-two (1892), and until their successors are